



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: McMahon & Sons
File: B-224226
Date: February 5, 1987

DIGEST

Agency conclusion that protester's proposal was not within the competitive range was reasonable where the protester's technical score was significantly lower than the scores of the offerors in the competitive range, and its price was significantly higher.

DECISION

McMahon & Sons, dba Pikes Peak History Ventures (McMahon), protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. F49642-86-R-0097, issued by the Washington Area Contracting Center, Andrews Air Force Base (Air Force), Washington, D. C., for a book length manuscript, "U.S. Army Air Force and Intelligence in World War II." McMahon contends that the Air Force improperly concluded that its proposal did not meet the technical standards of the RFP.

We deny the protest.

The RFP was issued on July 14, 1986, with the scheduled closing date for the receipt of initial proposals as August 18, 1986. The Air Force received five proposals in response to the RFP. The offerors proposed fixed prices and received technical scores (on an 80-point scale) as follows:

East Inc.	79.25	\$197,299
National Security Research	70.25	179,581
Historical Associates, Inc.	61.25	166,984
McMahon	55.75	237,650
Leslie Holbrook	18.25	280,000

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The Air Force found that only East and National Security Research were within the competitive range and requested best and final offers from these two offerors. East was awarded the contract after final evaluation as it had the highest technical score and the lowest price (\$166,191 after best and final offers).

McMahon indicates that it proposed an exceptional team and cannot believe its proposal did not meet the technical standards of the RFP. In this regard, McMahon states that a historian who has published prior works for the issuing office, a Pulitzer prize nominee with over 23,000 editorials and an intelligence background at the highest national level, and a novelist with a 24-year military background in operations and intelligence made up its proposed team.

The Air Force reports that McMahon's protest is based on a misinterpretation of the letter that the Air Force sent McMahon to notify it that its proposal was no longer being considered for award. The letter in part stated that "[y]our proposal was evaluated on the basis of your technical and cost response, but did not meet the technical standards." The Air Force advises that McMahon has mistaken this to mean that its proposal did not meet the technical requirements of the RFP, i.e., that it was nonresponsive. The Air Force reports that this letter was inartfully drafted and what the Air Force meant was that McMahon's proposal was not in the competitive range.

It is clear from the record provided to our Office that McMahon's proposal was excluded from the competition because it did not fall within the competitive range, not because it did not meet technical standards. McMahon's technical score of 55.75 was well below the scores received by the two offerors included in the competitive range. Also, McMahon's price was significantly higher than those offeror's prices.

It is well established that the determination of whether a proposal should be included in the competitive range is a matter primarily within the contracting agency's discretion which will not be disturbed unless it is shown to be unreasonable or in violation of procurement laws or regulations. Metric Systems Corp., B-218275, June 13, 1985, 85-1 C.P.D. ¶ 682. We have approved this relative approach to determining the competitive range based upon the array of scores actually obtained by the other offerors. The Liberty Consortium, B-215042, Apr. 12, 1985, 85-1 C.P.D. ¶ 416.

Therefore, even assuming McMahon's proposal was technically acceptable, it need not be included in the competitive range. Id.

In rating the proposals, the evaluation team found that McMahon's proposal was not strong in translating the RFP's specifications into precise themes, topics, and the direction of the planned volume. Further, the proposal presented questions as to the capabilities of the team to conduct prolonged and in-depth multi-archival, multi-disciplinary, and possibly multi-national research in the normal archival repositories of military operational and intelligence source data for World War II. The Air Force found that while the team had impressive credentials, none had experience in specific Air Force intelligence history. Thus, the Air Force concluded that the proposal did not indicate that McMahon had the ability to complete a definitive product within the established timeframes. Although McMahon argues that it believes that the experience of its team was sufficiently relevant, this does not establish that the evaluation of its proposal was unreasonable. See Logistics Services International, Inc., B-218570, Aug. 15, 1985, 85-2 C.P.D. ¶ 73.

Since the foregoing objections to McMahon's proposal were related to the RFP evaluation criteria, we find that the Air Force's rating of McMahon and its decision to exclude McMahon from the competitive range was reasonable.

The protest is denied.

for *Raymond Egan*
Harry R. Van Cleve
General Counsel